

REMARKS

Applicant respectfully requests consideration of the claims as amended in this submission.

In the Final Office Action mailed on August 28, 2007, claims 1-60 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Application No. 10/613,434 by Milosavljevic et al. ("Milosavljevic") and were further rejected under 35 U.S.C. 103(a) as being unpatentable over Milosavljevic in view of U.S. Patent Application No. 10/617930 to Brignac et al ("Brignac").

Applicant maintains that the rejections are founded upon an unreasonably broad interpretation of the cited art including an unreasonable equation of the words "different" and "discrete" and, in particular, that the art of record fails to teach or suggest the required discrete sample nodes. Nevertheless, in this submission, Applicant proposes amendments that more clearly distinguish the claims from the art of record. Applicant submits these amendments for the sole purpose of advancing prosecution and expressly reserves the right to pursue the broader previously presented claims in one or more continuation application.

Accordingly, claims 1, 3, 7-9, 14, 15, 17, 18, 21, 22, 24, 27, 41, 46, 54, 56, 59 and 60 are amended and new claims 61-64 are submitted. Upon entry of this amendment, claims 1-64 will be pending in the application.

Double Patenting Rejections

In the Office Action the Examiner rejected claims 1-60 under the judicially created doctrine of obviousness-type double patenting based on a copending application. Applicant will provide terminal disclaimers as necessary when all other rejections have been withdrawn.

Claim Rejections Under §102 and §103

Applicants have amended the independent claims in a manner that further distinguishes the claims from the art of record.

Independent claim 1 now requires, *inter alia*, "providing a plurality of discrete sample nodes configured to receive a discrete sample and removably attached at corresponding attachment points in a predetermined spatial relationship with one another on a sample structure; transferring a sample to each of said plurality of discrete sample nodes independently of sample transfers to the other discrete sample nodes wherein the corresponding attachment point of said each discrete sample node is maintained free of

sample material.” The cited art does not teach removably attached discrete sample nodes, attachment points and a sample structure. Nor does the cited art teach or suggest that samples are transferred to the discrete sample nodes as required by the claim. No reasonable interpretation of the cited art allows an assertion that, notwithstanding the transfer of a sample to a discrete sample node, the attachment point of the sample node is kept free of sample material.

Independent claim 14 now requires, *inter alia*, “for each of said plurality of discrete sample nodes, selecting a sample for storage at said each discrete sample node, and discretely transferring said selected sample to said each discrete sample node,” and “retrieving said identified discrete sample node from said archive, wherein said retrieving includes releasing said identified discrete sample node from said corresponding attachment point.” The cited art does not teach selecting a sample for storage at each of a plurality of discrete sample nodes nor the releasing of an identified discrete sample node from an archive. Furthermore, Applicant has amended claim 24 to require mechanical disruption of an attachment point during release of a discrete sample node attached at the attachment point.

Independent claim 27 now requires, *inter alia*, “means for discretely transferring a sample to a desired one of said plurality of discrete sample nodes.” The cited art does not teach, and no reasonable interpretation of the cited art allows an assertion that the art of record suggests, the required discrete transfer of a sample to a desired discrete sample node.

Independent claim 41 now requires, *inter alia*, that each of a plurality of sample nodes carry an individually applied discrete sample and that “[a] plurality of sample structures is maintained in a predetermined spatial relationship with one another providing separation of [a] plurality of sample nodes.” The cited art does not teach or suggest the individual application of a discrete sample to a sample node nor the required sample structures providing separation of a plurality of sample nodes.

Regarding amended independent claim 46, the art of record does not teach or suggest, *inter alia*, means for selectively and discretely transferring a sample to each of said discrete sample nodes.

Applicant respectfully submit that, in view of these and other deficiencies in the art of record, the §102 and §103 rejections of the claims should be withdrawn.

New Claims


Claims 61-64 are new. Claims 61-64 introduce no new matter to the Application and are fully supported in the Specification and Drawings.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully submitted,
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